
R590. Insurance, Administration.**R590-102. Insurance Department Fee Payment Rule.** (Changes Effective 6-8-07)**R590-102-1. Authority.**

This rule is adopted pursuant to Subsections 31A-3-103(2) and (4) which require the commissioner to publish the schedule of fees approved by the Legislature and to establish deadlines for payment of each of the various fees.

R590-102-2. Purpose and Scope.

(1) The purpose of this rule is to publish the schedule of fees approved by the legislature, to establish fee deadlines, and to disclose this information to licensees and the public.

(2) The rule applies to all persons engaged in the business of insurance in Utah, to all licensees, to applicants for licenses, registrations, certificates, or other similar filings and for services provided by the department for which a fee is required.

R590-102-3. Definitions.

For the purposes of this rule the following definitions will apply.

(1) "Admitted insurers" include: fraternal, health, health maintenance organization, life, limited health plan, motor club, non-profit health service, property-casualty, title insurers, and a prescription drug plan.

(2) "Agency" means:

(a) a person, other than an individual, including a sole proprietorship by which a natural person does business under an assumed name; and

(b) an insurance organization required to be licensed under Subsections 31A-23a-301, 31A-25-207, and 31A-26-209.

(3) "Captive insurer" includes association captive, branch captive, industrial insured captive, pure captive, and sponsored captive.

(4) "Deadline" means the date or time imposed by statute, order, or rule by which:

(a) a payment must be received by the department without incurring penalties for late payment or non-payment; or

(b) a filing must be received by the department without incurring penalties for late receipt or non-receipt.

(5) "Fee" means an amount set by the legislature for licenses, registrations, certificates, and other filings and services provided by the Insurance Department.

(6) "Full-line agency" includes producer, consultant, independent adjuster, managing general agent, public adjuster, reinsurance intermediary broker, and third party administrator.

(7) "Full-line individual" includes a producer, consultant, independent adjuster, managing general agent, public adjuster, reinsurance intermediary broker, and third party administrator.

(8) "Limited-line agency" includes bail bond and limited-line producer.

(9) "Limited-line individual" includes bail bond agent, limited-lines producer and customer service representative.

(10) "Other organizations" include: home warranty, joint underwriter, purchasing group, rate service organization, risk retention group, service contract provider, surplus line insurer, accredited reinsurer, trustee reinsurer, and health discount program.

(11) "Paper application" means an application that must be manually entered into the department's database because the application was submitted by paper, facsimile, or email when the department has provided an electronic application process and stated the electronic process is the preferred process for receiving an application.

(12) "Paper filing" means a filing that must be manually entered into the department's database because the filing was submitted by paper, facsimile, or

email when the department has provided an electronic filing process and stated the electronic process is the preferred process for receiving a filing.

(13) "Received by the department" means:

(a) except as provided in Subsection R590-102-3(11)(b), the date delivered to and stamped received by the department, whether delivered in person or electronically; or

(b) if delivered to the department by a delivery service, the delivery service's postmark date or pick-up date unless a statute, rule, or order related to a specific filing or payment provides otherwise.

R590-102-4. General Instructions.

(1) Any fee payable to the department not included in Subsections R590-102-5 through 14, shall be due when service is requested, if applicable, otherwise by the due date on the invoice. A non-electronic payment fee will be added to the fee due the department when a payment that can be made electronically is done through a non-electronic method.

(2) Payment.

(a) Checks shall be made payable to the Utah Insurance Department. A check that is dishonored in the process of the collection will not constitute payment of the fee for which it was issued and any action taken based on the payment will be voided. Late fees and other penalties, resulting from the voided action will apply until proper payment is made. A check payment that is dishonored is a violation of this rule.

(b) Cash payments. The department is not responsible for un-receipted cash that is lost or misdelivered.

(c) Electronic payments.

(i) Credit Card. Credit cards may be used to pay any fee due to the department. Credit card payments that are dishonored will not constitute payment of the fee and any action taken based on the payment will be voided. Late fees and other penalties, resulting from the voided action, will apply until proper payment is made. A credit card payment that is dishonored is a violation of this rule.

(ii) Automated clearinghouse (ACH). Payers or purchasers desiring to use this method must contact the department for the proper routing and transit information. Payments that are made in error to another agency or that are not deposited into the department's account will not constitute payment of the fee and any action taken based on the payment will be voided. Late fees and other penalties resulting from the voided action will apply until proper payment is made. An ACH payment that is dishonored is a violation of this rule.

(3) Retaliation. The fees enumerated in this rule are not subject to retaliation in accordance with Section 31A-3-401 if other states or countries impose higher fees.

(4) Refunds.

(a) All fees in this rule are non-refundable.

(b) Overpayments of fees are refundable.

(c) Requests for return of overpayments must be in writing.

(5) A non-electronic processing fee will be assessed for a particular service if the department has established an electronic process for that service. See Section 12 for non-electronic processing fees.

R590-102-5. Admitted Insurer Fees.

(1) Annual license fees.

(a) certificate of authority, initial license application - due with license application: \$1,002;

(b) certificate of authority - renewal - due by the due date on the invoice: \$302;

(c) certificate of authority - late renewal - due for any renewal paid after the date on the invoice: \$352;

(d) certificate of authority - reinstatement - due with application for reinstatement: \$1,002;

(e) certificate of authority - amendments - due with request for amendment: \$252;

(f) application for merger, acquisition, or change of control - Form A, due with filing: \$2,002. Expenses incurred for consultant(s) services necessary to evaluate the Form A will be charged to the applicant and due when billed;

(g) redomestication filing - due with filing: \$2,002; and

(h) application for organizational permit for mutual insurer to solicit applications for qualifying insurance policies or subscriptions for mutual bonds or contribution notes - due with application: \$1,002.

(2) The annual initial or annual renewal license fee includes the following licensing services for which no additional fee is required:

(a) filing annual statement and report of Utah business - due annually on March 1;

(b) filing holding company registration statement - Form B;

(c) filing application for material transactions between affiliated companies - Form D;

(d) application for: stock solicitation permit, public offering filing, but not an SEC filing; an SEC filing; private placement offering; and

(e) application for individual license to solicit in accordance with the stock solicitation permit.

(3) Annual service fee:

(a) Due annually by the due date on the invoice. The fee is based on the Utah premium as shown in the latest annual statement on file with the National Association of Insurance Commissioners (NAIC) and the department. Fee calculation example: the 2004 annual service fee calculation will use the Utah premium shown in the December 31, 2003 annual statement.

(i) \$0 premium volume: no service fee;

(ii) more than \$zero but less than \$1 million in premium volume: \$700;

(iii) \$1 million but less than \$3 million in premium volume: \$1,100;

(iv) \$3 million but less than \$6 million in premium volume: \$1,550;

(v) \$6 million but less than \$11 million in premium volume: \$2,100;

(vi) \$11 million but less than \$15 million in premium volume: \$2,750;

(vii) \$15 million but less than \$20 million in premium volume: \$3,500; and

(viii) \$20 million or more in premium volume: \$4,350.

(b) The annual service fee includes the following services for which no additional fee is required:

(i) filing of amendments to articles of incorporation, charter, or bylaws;

(ii) filing of power of attorney;

(iii) filing of registered agent;

(iv) affixing commissioner's seal and certifying any paper;

(v) filing of authorization to appoint and remove agents;

(vi) filing of producer/agency appointment with an insurer - initial;

(vii) filing of producer/agency appointment with an insurer - termination;

(viii) report filing, all lines of insurance;

(ix) rate filing, all lines of insurance; and

(x) form filing, all lines of insurance.

(c) The annual service fee is for services that the department will provide for an admitted insurer during the year. The fee is paid in advance of providing the services.

R590-102-6. Surplus Lines Insurer, Accredited Reinsurer, Trusteed Reinsurer, Other Organizations Fees.

(1) Annual license fee.

(a) other organization:

(i) other organization - initial - due with application: \$252;

(ii) other organization - renewal - due annually by the due date on the invoice: \$202;

(iii) other organization - late renewal - due for any renewal paid after the date on the invoice: \$252;

(iv) other organization - reinstatement - due with application for reinstatement: \$252;

(v) The annual other organizations initial or renewal fee includes the risk retention group annual statement filing - due annually on May 1.

(b) surplus line insurer, accredited reinsurer, and trustee reinsurer:

(i) surplus lines insurer, accredited reinsurer, and trustee reinsurer - initial - due with application \$1,002.

(ii) surplus lines insurer, accredited reinsurer, and trustee reinsurer - renewal - due annually by the due date on the invoice: \$302;

(iii) surplus lines insurer, accredited reinsurer, and trustee reinsurer - late renewal - due for any renewal paid after the date on the invoice: \$352;

(iv) surplus lines insurer, accredited reinsurer, and trustee reinsurer - reinstatement - due with application for reinstatement: \$1,002;

(v) The annual initial or renewal surplus line license fee includes the surplus lines annual statement filing for:

(A) U.S. companies - due annually on May 1; and

(B) foreign companies - due within 60 days of the annual statement's filing with the insurance regulatory authority where the company is domiciled.

(vi) The annual initial or renewal accredited reinsurer and trustee reinsurer license fee includes the annual statement filing - due annually on March 1.

(2) Annual service fee:

(a) Other organization - due annually by the due date on the invoice: \$200.

(b) Surplus lines insurer, accredited reinsurer, and trustee reinsurer - due annually by the due date on the invoice: \$200

(c) The annual service fee includes the following services for which no additional fee is required:

(i) filing of power of attorney;

(ii) filing of registered agent;

(iii) rate, form, report or service contract filing; and

(iv) any other services provided to the licensee.

(d) The annual service fee is for services that the department will provide during the year. The fee is paid in advance of providing the services.

R590-102-7. Captive Insurer Fees.

(1) Initial license application - due with license application: \$202.

(2) Initial license application review - due by the due date on the invoice: actual costs incurred by the department to review the application.

(3) Annual license fees:

(a) initial - due by the due date on the invoice: \$5,002;

(b) renewal - due by the due date on the invoice: \$5,002;

(c) late renewal - due for any renewal paid after the date on the invoice: \$5,052;

(d) reinstatement - due with application for reinstatement: \$5,052.

R590-102-8. Viatical Settlement Provider Fees.

(1) Annual license fees:

(a) initial - due with application: \$1,002;

(b) renewal - due by the due date on the invoice: \$302;

(c) late renewal - due for any renewal paid after the date on the invoice: \$352;

(d) reinstatement - due with reinstatement application: \$1,002.

(2) Annual service fee - due by the due date on the invoice: \$600.

(a) The annual service fee includes the following services for which no additional fee is required:

(i) rate, form, report or service contract filing; and

(ii) any other services provided to the licensee.

(b) The annual service fee is for services that the department will provide during the year. The fee is paid in advance of providing the services.

R590-102-9. Individual Resident and Non-Resident License Fees.

(1) Biennial resident and non-resident full-line individual initial license or renewal fee for two-year period:

(a) initial license fee - due with application: \$72:

- (b) express initial license fee - due with application: \$72;
- (c) renewal license fee if renewed prior to renewal deadline - due with renewal application: \$72;
- (d) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: \$122;
- (e) lapsed license reinstatement fee if reinstated 31 days through 730 days after renewal deadline - due with application for reinstatement: \$122.
- (2) Biennial resident and non-resident limited-line individual initial or renewal license fee, for two-year period:
 - (a) initial license fee - due with application: \$47;
 - (b) renewal license fee if renewed prior to renewal deadline - due with renewal application: \$47;
 - (c) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: \$97;
 - (d) lapsed license reinstatement fee if reinstated 31 days through 730 days after renewal deadline - due with application for reinstatement: \$97.
- (3) Fee for addition of producer classification or line of authority to individual producer license - due with request for additional classification or line of authority: \$27.
- (4) The biennial initial and renewal full-line producer and limited-line producer fee includes the following services for which no additional fee is required:
 - (a) issuance of letter of certification;
 - (b) issuance of letter of clearance;
 - (c) issuance of duplicate license;
 - (d) individual continuing education services; and
 - (e) other services provided to the licensee.
- (5) The biennial initial and renewal individual license fee includes services the department will provide during the year. The fee is paid in advance of providing the services.
- (6) Title insurance product or service approval for dual licensed title licensee form filing fee - due with filing: \$25.

R590-102-10. Agency License Fees.

- (1) Biennial resident and non-resident agency initial or renewal license per two-year license period for a full-line agency and for a limited-line agency:
 - (a) initial license fee - due with application: \$77;
 - (b) renewal license fee if renewed prior to renewal deadline - due with renewal application: \$77;
 - (c) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: \$127;
 - (d) lapsed license reinstatement fee if reinstated 31 days through 730 days after renewal deadline - due with application for reinstatement: \$127.
- (2) Fee for addition of producer classification or line of authority to agency license - due with request for additional classification or line of authority: \$27.
- (3) Annual bail bond agency per annual license period:
 - (a) initial license fee - due with application: \$252;
 - (b) renewal license fee if renewed prior to renewal deadline - due with renewal application: \$252;
 - (c) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: \$302; and
 - (d) lapsed license reinstatement fee if reinstated 31 days after renewal deadline - due with application for reinstatement: \$302.
- (4) Annual health insurance purchasing alliance annual license:
 - (a) initial license fee - due with application: \$502;
 - (b) renewal license fee if renewed prior to renewal deadline - due with renewal application: \$502;
 - (c) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: \$552; and
 - (d) lapsed license reinstatement fee if reinstated 31 days after renewal deadline - due with application for reinstatement: \$552.

(5) The annual or biennial initial and renewal agency license fee includes the following services for which no additional fee is required:

- (a) issuance of letter of certification;
- (b) issuance of letter of clearance;
- (c) issuance of duplicate license;
- (d) filing of producer designation to agency license - initial;
- (e) filing of producer designation to agency license - termination;
- (f) filing of amendment to agency license;
- (g) filing of power of attorney; and
- (h) any other services provided to the licensee.

(6) The annual or biennial initial and renewal agency license fee includes services the department will provide during the year. The fee is paid in advance of providing the services.

(7) Title agency filing (rate, form, or report) - due with filing: \$25.

R590-102-11. Continuing Education Fees.

(1) Annual continuing education provider license fees per annual license period:

- (a) initial license fee - due with application: \$252;
- (b) renewal license fee if renewed prior to renewal deadline - due with renewal application: \$252;
- (c) late renewal license fee if renewed 1 through 60-days after renewal deadline and prior to license lapse - due with renewal application: \$302; and
- (d) Lapsed license reinstatement fee if reinstated 61 days after renewal deadline - due with application for reinstatement: \$302.

(2) Continuing education course post-approval fee - due with request for approval: \$5 per credit hour, minimum fee \$27.

R590-102-12. Non-electronic Processing Fees.

(1) Paper filing processing fee - assessed on a non-electronic filing when the department has provided an electronic filing process and stated the electronic process is the preferred process for receiving a filing - due with each paper filing or by the due date on the invoice: \$5.

(2) Paper application processing fee - assessed on a non-electronic application when the department has provided an electronic application process and stated the electronic process is the preferred process for receiving an application - due with each paper application or by the due date on the invoice: \$25.

R590-102-13. Dedicated Fees.

The following are fees dedicated to specific uses:

- (1) annual fraud assessment fee - due by the due date on the invoice;
- (2) annual title assessment fee - due by the due date on the invoice;
- (3) relative value study book fee - due when book purchased or by invoice due date: \$12; and
- (4) mailing fee for books - due if book is to be mailed to purchaser: \$3.

R590-102-14. Electronic Commerce Dedicated Fees.

(1) E-commerce and internet technology services fee:

- (a) admitted insurer and surplus lines insurer - due with the annual initial, annual renewal, or reinstatement application: \$75;
- (b) captive insurer - due with the annual initial, annual renewal, or reinstatement application: \$250;
- (c) other organization and viatical settlement provider - due with the annual initial, annual renewal, or reinstatement application: \$50;
- (d) continuing education provider - due with the annual initial, annual renewal, or reinstatement application: \$20;
- (e) agency - due with the biennial initial, biennial renewal, or reinstatement application: \$10;
- (f) individual - due with the biennial initial, biennial renewal, or reinstatement application: \$5.

(2) Database access fee - due when the department's database is accessed to input or acquire data: \$3 per transaction.

R590-102-15. Other Fees.

- (1) photocopy fee - per page: \$.50.
- (2) Complete annual statement copy fee - per statement: \$42.
- (3) Fee for accepting service of legal process: \$12.
- (4) Fees for production of information lists regarding admitted insurers, other organizations, individuals, agencies, or other information that can be produced by list:
 - (a) printed list: \$1 per page;
 - (b) electronic list:
 - (i) 1 to 500 records: \$52; and
 - (ii) 501 or more records: \$.11 per record.
- (5) Returned check fee: \$20.
- (6) Workers compensation loss cost multiplier schedule: \$5.
- (7) Address correction fee -- assessed when department has to research and enter new address for a licensee -- due by the due date on the invoice: \$35.

R590-102-16. Separability.

If any provision of this rule or its application to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of this provision to other persons or circumstances shall not be affected.

KEY: insurance

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